

Listing of Claim Amendments:

1. (Original) A surgical instrument, comprising:

a handle portion;

a body portion;

a jaw portion, said jaw portion comprising first and second jaws for gripping tissue there between, said jaw portion operatively connected to said handle portion via said body portion for selective operation of said jaw portion; wherein said second jaw is a lower jaw, wherein said second jaw has an upper and a lower surface and a closed perimeter hole extending there through between said upper and said lower surfaces of said second jaw,

said first jaw having an upper surface and a lower surface, said first jaw having a center hole therethrough, an open slit formed through a distal end of said first jaw and in communication with said center hole, said open slit being narrower than said center hole.

- 2-6. (Cancelled)

7. (Original) The instrument according to **claim 1**, wherein the first and second jaws have teeth, wherein the teeth of the first jaw are out of phase with the teeth of the second jaw.

8. (Original) The instrument according to **claim 7**, where the tips of the teeth of the first and second jaws are spaced from each other.

9. (Original) The instrument according to **claim 7**, wherein the teeth are coated with a tissue protecting material.

10. (Original) The instrument according to **claim 1**, wherein said handle portion contains an overpressure linkage.

11. (Original) The instrument according to **claim 1**, wherein said first and second jaws are parallel to each other.

- 12-25. (Cancelled)

26. (New) A surgical instrument, comprising:

a support portion, said support portion including a support member and an upper handle, said support member having a narrow elongated configuration, said upper handle portion extending from a trailing end of said support member in a fixation relationship thereto,

an actuation member having a narrow elongated configuration, said actuation member slidingly disposed along an upper surface of said elongated member,

a lower handle portion disposed below said support portion, an upper end of said lower handle having a pivot arm, said pivot arm pivotally connected to said support portion adjacent a trailing end of said support member and further pivotally connected to a trailing end of said actuation member,

an upper jaw having a leading end and a trailing end, said trailing end of said upper jaw pivotally connected to a leading end of said actuation member, a hinge member extending below said trailing end of said upper jaw, and said upper jaw further pivotally connected to a leading end of said support member via said hinge member of said upper jaw,

a lower jaw, said lower jaw extending from a leading end of said support member and disposed below said upper jaw for use in gripping tissue between said upper and said lower jaws,

said upper jaw having an upper surface and a lower surface, said upper jaw having a hole passing therethrough between said upper surface and said lower surface, said leading end of said upper jaw having a slit therethrough and in communication with said hole of said upper jaw, said slit having a narrow dimension configured to allow a suture thread to pass therethrough,

said lower jaw having an upper surface and a lower surface, said lower jaw having a closed perimeter hole extending therethrough between said upper and said lower surface, said closed perimeter hole aligned with said hole of said upper jaw,

whereby spreading said lower handle away from said upper handle of said support portion draws said actuation member rearward and pivots said upper jaw to an open position, and whereby pulling said lower handle toward said upper handle pushes said actuation member toward a leading end of the instrument and pivots said upper jaw to a closed position adjacent said lower jaw.

27. (New) The instrument of **claim 26**, wherein said upper and lower jaws have teeth, and wherein said teeth of said upper jaw are out of phase with said teeth of said lower jaw.

28. (New) The instrument of **claim 27**, where the tips of the teeth of said upper and lower jaws are spaced from each other to thereby prevent damage to a tissue or graft material.

29. (New) The instrument of **claim 27**, wherein the teeth are coated with a tissue protecting material.

30. (New) The instrument of **claim 26**, wherein said handle portion contains an overpressure linkage.

31. (New) The instrument of **claim 26**, further comprising a ratchet arm between said upper handle and said lower handle to thereby prevent twisting of the instrument.

32. (New) The instrument of **claim 31**, wherein said ratchet is configured for selective locking of said jaws of the tissue grasping instrument at specific incremental positions.

33. (New) The instrument of **claim 26**, further comprising a spring between said upper handle and said lower handle.

34. (New) The instrument of **claim 26**, wherein said lower jaw is fixedly attached to said leading end of said support member.

35. (New) The instrument of **claim 34**, wherein said lower jaw is angled upward from said support member.

36. (New) The instrument of **claim 26**, wherein said pivot arm of said lower handle is pivotally connected to said lower handle.

37. (New) The instrument of **claim 36**, wherein said lower handle further comprises a planar spring operatively associated with said pivot connection between said pivot arm and said lower handle, said planar spring configured to give way if too much force is applied to said lower handle, whereupon said lower handle member moves with respect to said pivot arm, preventing the application of too much pressure during gripping of a tissue or graft material between said upper and lower jaws.

38. (New) The instrument of **claim 26**, wherein said lower handle further comprises a safety bias means against applying too much pressure during gripping of a tissue or graft material between said upper and said lower jaws.

39. (New) The instrument of **claim 26**, wherein said holes of said upper and said lower jaws are coaxial and of the same size.